



WASHOE COUNTY PLANNING COMMISSION **DRAFT** Meeting Minutes

Planning Commission Members

Francine Donshick
R. Michael Flick
Linda Kennedy
Daniel Lazzareschi, Vice Chair
Kate S. Nelson
Rob Pierce, Chair
Patricia Phillips
Secretary
Trevor Lloyd

Tuesday, November 7, 2023
6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

and available via
Zoom Webinar

The Washoe County Planning Commission met in a scheduled session on Tuesday, November 7, 2023, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Pierce called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present: Linda Kennedy (ZOOM)
Francine Donshick
R. Michael Flick
Daniel Lazzareschi, Vice Chair
Kate S. Nelson
Rob Pierce, Chair

Commissioners absent: Pat Phillips

Staff present: Trevor Lloyd, Secretary, Planning and Building
Courtney Weiche, Senior Planner, Planning and Building
Tim Evans, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Office Support Specialist, Planning and Building
Brandon Roman, Recording Secretary, Planning and Building

2. Pledge of Allegiance

Commissioner Flick led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Jennifer Gustafson provided the ethics procedure for disclosures.

4. Appeal Procedure

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. General Public Comment and Discussion Thereof

Chair Pierce opened the Public Comment period. There was no response to the call for public comment.

6. Approval of November 7, 2023, Agenda

Commissioner Donschick moved to approve the agenda for the November 7, 2023, meeting as written. Commissioner Nelson seconded the motion, which passed with a vote of six for, none against, with Commissioner Phillips absent.

7. Approval of October 16, 2023, Draft Minutes

Commissioner Flick suggested changing the wording on page 6, paragraph 2, from “sufficient plans to power...” to read “sufficient power plants to power...”

Commissioner Donschick moved to approve the minutes for the October 16, 2023, Planning Commission meeting with the proposed change. Commissioner Flick seconded the motion, which passed with a vote of six for, none against, with Commissioner Phillips absent.

8. Public Hearings

A. Abandonment Case Number WAB23-0003 (Waterman) [For possible action] – For hearing, discussion, and possible action to approve an abandonment of Washoe County’s interest in the southern forty (40) feet (southern easement boundary to be aligned with the 5458-foot contour line) of the existing drainage easement encompassing the northern portion (rear) of the property located at 211 Waterman Court.

- Applicant: Stephen Packer
- Location: 211 Waterman Court, Reno, NV
- APN: 156-061-14
- Parcel Size: 1.16 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Forest
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- Commission District: 2 – Commissioner Clark
- Staff: Tim Evans, Planner
- Phone: Washoe County Community Services Department
- E-mail: Planning and Building

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Waterman Abandonment; Vicinity Map; Request; Site Plan; Evaluation (2 slides); Reviewing Agencies; Public Notice; Findings; and Motion.

Applicant Stephen Packer thanked the Commission for its consideration and said he was available for questions.

Public Comment:

Mr. Andreas Helfenstein said he owned the neighboring residence and believed the drainage pond easement would be harmed by the proposed project. He listed reasons why he felt the Commission should deny the application: the ownership of the easement not belonging to Washoe County; the negative impact on three lots if the detention pond were reduced; the inconsistency between abating this drainage easement and the City of Reno's movement to increase flood mitigation; the increase in flood risk since 1997; and the inability for neighbors to move or elevate their buildings.

Via Zoom, Mr. Dirk Forrette expressed opposition to the project, citing wet years where he observed feet of water in the pond. He did not believe they should approve the project based on a hydrologist whose methodology he thought was flawed.

Discussion by Commission:

Commissioner Kennedy asked whether the project was in the purview of the Planning Commission (PC) given that the project was on private land.

Mr. Evans confirmed it was on private land, but this item was coming before the PC because the application dealt with the abandonment of Washoe County's interest in the easement. This would result in the applicants being able to build there, though they would need to adhere not only to County regulations but to others mandated by agencies like the homeowners association.

Commissioner Donschick requested information about the City of Reno's memo referenced by a public speaker.

Mr. Evans said he read that memo as part of the commenter's email, but it did not have applicability here as it dealt specifically with the City of Reno.

Commissioner Flick inquired about ownership rights.

Deputy District Attorney Jennifer Gustafson responded that an easement did not necessarily evidence ownership rights; many easements had to do with use.

Commissioner Flick brought up a public commenter's belief that the Commission did not have the ability to abandon the easement since the County did not own it.

Ms. Gustafson replied the PC had the ability to abandon Washoe County's interest in the easement, and the Conditions of Approval delved into that as well. She compared it to a quitclaim deed where the County was abandoning its interest in the easement, if it had any.

Secretary Trevor Lloyd stated most easements reviewed by the PC were private access easements; drainage easements were relatively rare for the PC to review. He added the County approved the easement itself, and the applicants were the owners of the property.

MOTION: Commissioner Donshick moved that Abandonment Case Number WAB23-0003 for Steve Packer be approved with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.

Vice Chair Lazzareschi seconded the motion, which passed with a vote of five for, one against, with Commissioner Kennedy voting no and Commissioner Phillips absent.

Mr. Lloyd recited the appeal procedure for items heard before the Planning Commission.

B. Development Code Amendment Case Number WDCA23-0001 (Tahoe Woodcreek)

[For possible action] – For hearing, discussion and possible action to initiate an amendment and approve a resolution to amend Washoe County Code Chapter 110 (Development Code) within Article 220 (Tahoe Area), Section 110.220.275 Wood Creek Regulatory Zone to add "Schools - Kindergarten through Secondary" use type as a permitted use, subject to a special use permit, on those parcels in size equal to, or greater than, three-acres within the Tahoe - Wood Creek Regulatory Zone; and all matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

- Applicant: AnneMarie Lain, DOWL, on behalf of Saint Claire's and Village Church
- Property Owner: N/A Multiple
- Location: Tahoe-Woodcreek (TA-WC) Regulatory Zone
- APN: Multiple (All of TA-WC)
- Parcel Size: Effecting parcels greater than 3 acres in TA-WC
- Master Plan: Tahoe-Woodcreek (TA-WC) Regulatory Zone
- Regulatory Zone: Tahoe-Woodcreek (TA-WC) Regulatory Zone
- Area Plan: Tahoe
- Development Code: Authorized in Article 818, Amendment of Development Code
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
- Phone: Washoe County Community Services Department
- E-mail: Planning and Building

Commissioner Nelson disclosed that she was the Interim Director of Public Works for the Incline Village General Improvement District, though she has had no conversations about the project. She believed she could make a fair and impartial decision on the item.

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: DCA Request; Location (2 slides); History; Background; Applicant Background; Requested Amendment; Public/Agency Comment; DCA Findings; Recommendation; and Possible Motion.

Ms. Weiche indicated Wood Creek was one of 16 residential regulatory zones within the Tahoe Area Plan (TAP), and while these zones focused primarily on single-family dwellings, a broad scope of public service and resource management uses were also allowed. The vision for residential regulatory zones was to maintain safe, functional, residentially focused zones with development that contributed to the desired community character. She noted the proposed additional use would be allowed on the parcels subject to a special use permit (SUP).

Ms. Weiche explained St. Claire's was informed that their existing lease would not be renewed for the 2022-2023 school year. Since 2022, they had been operating out of St. Francis of Assisi under a temporary use permit. She said Village Church representatives met with Washoe County staff to establish a school use type, though it was not allowed at that time. However, St. Claire's was already pursuing a code amendment for the same purpose, so the two agencies submitted a combined application on the requested amendment. Support for the SUP often referenced a need for a variety of school choices in the community. She noted the applicant's initial environmental checklist (IEC) concluded a finding of no significant impact.

Representative AnneMarie Lain introduced her senior civil engineer and the applicants. She conducted a PowerPoint presentation and reviewed slides with the following titles: Introductions (2 slides); Development Code Amendment; Why Now; Private School Enrollment; Tahoe Area Plan; School Use Permitted; School Use Permitted – SUP; Amendment Location; History; Traffic; Noise; Parking; Summary; and Anticipated Meeting Dates.

Ms. Lain mentioned St. Claire's served North Tahoe for 5.5 years but was currently operating under a temporary use permit. It was the only Catholic school in the Tahoe area and it served 45 students, a quarter of which received full scholarships. She said Village Church had operated a Christian daycare/preschool for 20 years with an approved SUP.

Ms. Lain said the pandemic increased interest in rethinking how schools operated. Both of her clients were responding to a need for faith-based education, and she was hired to help them navigate the regulatory process. She believed an increase in education options would help build a more resilient community. Only one regulatory zone allowed schools as a permitted use, she continued, though the Incline Village Residential Regulatory Zone allowed for them with an approved SUP. She pointed out the code amendment would only apply to the parcels designated in her presentation.

Ms. Lain indicated the applicant submitted a 51-page IEC which included chapters on noise and traffic circulation. Additionally, engineers prepared a trip generation review, and the addition of a school land use to the list of acceptable SUP land uses would be consistent with currently allowed uses. Future projects under the proposed amendment would require a traffic and parking plan to ensure requirements were met, and conditions of approval for an SUP often contained restrictions on student capacity and hours of operation. She summarized by saying use of the existing church facilities supported the goals and policies of the TAP. She listed the benefits of the proposed amendment and requested that the Planning Commission (PC) approve the request.

Public Comment:

Ms. Kimberlee "Shawn" Comstock displayed a map and expressed concern about being able to evacuate in an emergency since the road into the school was a main evacuation route. She praised the public and private schools in Incline Village and contested there was a need for faith-based education. Though the Catholic Church was a good neighbor, she expressed frustration about increases in noise and traffic because of a tenant. She spoke about a

remodel of the church, which was supposed to have no intensification of use, which is what she considered this to be. She encouraged the PC to review a digital report.

Mr. Scott Comstock brought up a neighborhood meeting at which the majority of questions from neighbors reflected their disapproval. He urged the Commission to review the recording of that meeting and said most of the comment cards were filled out not by the residents who attended the meeting but by teachers and employees of the church. He mentioned a petition with 50 signatures that was submitted to the PC, and he requested that the Commission hold another neighborhood meeting because the data reflecting support was flawed.

Mr. Will Phillips expressed support for allowing the churches to provide faith-based education in the community. He did not believe there were safety concerns with Mount Rose Highway, and moving the facility would be cost-prohibitive. He pointed out preschools had existed in the neighborhood for 40 years, and he believed more was needed to sustain a community than just housing. He talked about his history in the military and on humanitarian missions, and how sacrifice helped provide community services such as the ability to choose faith-based education.

Mr. Charles Koeritz commented on wait times of 18 to 24 months to enroll in faith-based schools, causing him to relocate from Incline Village. This took money from Incline Villages and local businesses.

Mr. Michael Skeehan noted he was on the pastoral counsel at St. Francis and the board of St. Clare's school. He stated the school would not intensify the usage of the church property when considered against the standard usage of that property. In fact, he felt the forty kids who might attend would be a reduction in usage compared to their regular service attendance. He remarked the children would not be close to Mount Rose Highway since they would be inside the building, and their recesses would be a block and a half from the highway.

Mr. Alex Roodhouse said he represented the applicant and there was a fundamental right to raise children in their faith. He said there was no intent to create division as they tried to follow the regulatory process, and members of the church tried to get additional feedback from residents. He recognized the concerns of neighbors, and while conditions on the permit would help control traffic and noise, he still sought to build consensus with the neighborhood. He thought the amendment would give them greater flexibility to do that, adding that the report contained reasons why this would not change the character of Wood Creek.

Mr. Luke Derrin expressed support for the application, noting he had two children at the school because they sought faith-based education that was longer than just an hour on Sunday mornings. He indicated Kelly Drive was an alternate route to Mount Rose Highway.

Mr. Aaron Harding added his support for faith-based education, and since there were currently no options in the area, additional traffic was added to get to other schools.

Ms. Donna Fulkerson argued that the traffic on Kelly Drive increased considerably on the weekends, and the roads became narrower in the winter due to plowed snow. She expressed concern about kids walking to the school since there was no alternate route for pedestrians, as well as expressing concern for noise and a potential reduction in her property value. She felt the school should be placed in another location.

Mr. Don Ferrell, an elder at the Village Church, noted their preschool had existed there for more than 25 years, and many parents whose children went there were not church members. He expected to provide the same service for the grade school. He noted the preschool had a

waitlist of 80 children, and he opined some parents may want a private education alternative for their kids. He echoed the comments about parking being much lighter during the week than during the weekend. His congregation supported the proposal and he was committed to providing the same quality in the grade school.

Mr. Tim Gilbert, another applicant, reiterated the congregation's passion for faith-based teaching, and he indicated this proposal had been a plan of theirs for some time.

Via Zoom, Ms. Yolanda Knaak supported the SUP for the schools. She expressed concern about Nevada's public schools' national ranking and their embrace of critical race theory. She said there were multiple alternate routes to get to the school so there would be no impact to evacuation routes. She asked the Commission to vote yes on the SUP.

Also on Zoom, Ms. Paige Roodhouse, the executive director of St. Clare's school, pointed out there was a precedent to co-locate Catholic schools with Catholic churches. She brought up some of the essential components of Catholic education which took place only in the church. She noted they were a licensed childcare provider and there was a waitlist for their preschool program, which was open to all parents. Financial aid was offered to families who would otherwise not be able to attend. This proposal would optimize the use of the building during the school day. She vowed to work with neighbors to attend to their needs.

Ms. Laurel Jones noted via Zoom that she had no objection to the temporary use for St. Clare's but had an issue with the amendment. She remarked preschools and K through 8 schools were very different, and she did not know whether the traffic studies considered winter conditions. She noted Winding Way basically became a one-lane road in the winter, and adding extra traffic was a big concern. She wondered whether there was an emergency plan for fires or earthquakes. She opined that it would make sense to conduct traffic studies and work out enrollment caps before the amendment was approved. She suggested another neighborhood meeting to clarify this would be for an amendment change.

Via Zoom, Ms. Sarah Hillman said she had no problem with Catholic education, but this was a small community with a small population. In fact, the school district informed residents they were considering consolidating to two schools due to dwindling student population, which she believed would be challenging. Adding two private schools, she said, would further dilute the school populations, resulting in decreased funding for those schools. This could also dilute important community gatherings like sports. She expressed concern about the location.

Mr. Andrew Rieske was called but was not present to speak.

Via Zoom, Mr. Anibal Cordoba Sosa stated he was a member of the pastoral counsel of St. Francis of Assisi, and he added his support for the regulatory zone amendment. He thought the school was critical to the community's health, expanding educational opportunities which created a safer community. He felt school options were limited and hard to access, particularly for Latino families, which resulted in serious inequality. This application would help contribute to religious freedom which served the entire population. Without this, he thought the Incline Village community would not be able offer residents a place to raise their families, pushing them to leave the area. He did not think the school would add much traffic to the location, and the community's specific concerns could be mitigated with an SUP.

Mr. Peter Larson, a teacher at St. Clare's, expressed support via Zoom for the amendment, mentioning he went to St. Francis as a child and did not experience safety concerns. Regarding a prior comment about the dwindling school population, he reiterated there were waitlists for Catholic preschools already.

Mr. Andrew Visci spoke on Zoom about nobody from the church reaching out to him despite being a direct neighbor to the property. He believed this proposal was an attempt to rezone a residential neighborhood. Traffic was occurring during all commuter hours, he noted, not just on Sunday mornings, and this project would result in more traffic. His primary concern was that the amendment would not benefit the majority of the people in the neighborhood, just the church. He wondered whether larger schools could be built and expressed frustration at the communication efforts for this item. He felt more neighborhood outreach was needed.

Ms. Stacy Phillips expressed support for the churches to provide faith-based education, which was imperative to the community. Otherwise, they would be forced to commute long distances for that school choice. She opined faith-based education needed to be in a church setting, and she felt church land should be maximized to support all ages. Regarding traffic, she noted the churches were situated safe distances from the major roads. She asked the Board to keep educational schooling a choice in Incline Village.

Discussion by Commission:

Vice Chair Lazzareschi asked whether there was anything in the amendment specifying faith.

Ms. Weiche responded that the TAP deferred to the Tahoe Regional Planning Agency (TRPA) Code of Ordinances for definitions of this use type, and there was no differentiation between a public and private school. She continued that there was no application before the PC for an SUP for a school, and the SUP process would require an additional neighborhood meeting to address many specific concerns about student caps and traffic concerns. That would then be heard by the Board of Adjustment.

Vice Chair Lazzareschi sought clarification that approval of this application would create a pathway for any owners of the six highlighted parcels to apply to start a school.

Ms. Weiche confirmed that was correct for any of the parcels greater than three acres in size, not just the churches.

Reiterating that this was simply an item for a regulatory zone amendment, Chair Pierce asked about the next steps that would follow any potential approval.

Ms. Weiche commented that this was an arduous process subject to the TRPA's approval since that agency approved the TAP as a whole document. If the Board of County Commissioners approved this amendment, it would then go through the significant TRPA process, which she then described. She also confirmed the Chair's assertion that no traffic study had been performed because that would be done during the SUP process. The Engineering Division noted in their comments that such a study would be required as part of the SUP process; however, staff requested that the applicant prepare the reports as they would need to be adopted by the TRPA. The applicants, she noted, provided some preliminary traffic and road impact reports.

Commissioner Flick asked whether the PC could add conditions during the SUP process.

Ms. Weiche said each site would apply for their SUP and partner agencies would be allowed to provide conditions of approval associated with the SUP. That SUP would then go to the Board of Adjustment, and while it was not generally preferred for the PC to add conditions of approval, it could occur while at the dais, though staff would prefer to provide those to the applicant beforehand.

Commissioner Flick believed that would result in the item needing to be continued and the public hearing re-advertised.

Ms. Weiche agreed depending on the substance on the condition of approval. The addition of trees, for instance, would likely not require postponement, but significant conditions would.

MOTION: Vice Chair Lazzareschi moved that WDCA23-0001 be approved to amend Washoe County Code Chapter 110 (Development Code) within Article 220 (Tahoe Area), Section 110.220.275 Wood Creek Regulatory as reflected in the proposed ordinance attached as Exhibit A-1. It was further moved that the Chair be authorized to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission, and staff be directed to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all four findings within Washoe County Code Section 110.818.15(e).

Commissioner Donshick seconded the motion, which passed with a vote of six for, none against with Commissioner Phillips absent.

9. Chair and Commission Items

A. Future agenda items

There were no future agenda items.

B. Requests for information from staff

There were no requests.

10. Director's and Legal Counsel's Items

A. Report on previous Planning Commission items

Secretary Trevor Lloyd noted the Board of County Commissioners (BCC) approved the Learner Lemmon Master Plan and Regulatory Zone amendments at their October 10 meeting, and the County would hear the Washoe 2040 item at its November 14, 2023, meeting.

B. Legal information and updates

Deputy District Attorney Jennifer Gustafson reminded the Commissioners that the Planning Commission (PC) heard an abandonment request for Paiute Road several years before. That decision was appealed to the BCC who upheld the PC's decision, at which point the applicant filed a petition for judicial review in the District Court. The District Court upheld both decisions, which was then appealed to the Supreme Court where a three-justice panel upheld the District Court's decision. Ms. Gustafson indicated the appellant filed a petition for rehearing at the Supreme Court, and it would be up to that body to determine whether they heard the appeal again.

11. *General Public Comment and Discussion Thereof

There was no response to the call for public comment.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting was adjourned at 07:44 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor.

Approved by Commission in session on December 5, 2023

Trevor Lloyd
Secretary to the Planning Commission